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Interested Party

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, PROBATE DIVISION

In the Matter of the Estate of: THOMAS EARL VAN HORN, Decedent. Hearing: May 22, 2026, 8:30 AM, Dept. 5	**Case No. 26STPB04272** **OBJECTION TO PETITION FOR APPOINTMENT OF ADMINISTRATOR; REQUEST FOR CONTINUANCE PENDING WILL SEARCH; AND OPPOSITION TO GRANT OF INDEPENDENT ADMINISTRATION AUTHORITY** (Assigned to the Hon. Jessica A. Uzcategui)

COMES NOW Objector Graham B. Lascsak, appearing pro se as an interested party and adult nephew of decedent Thomas Earl Van Horn, and hereby objects to the Petition for Probate filed by Teresa Weissenberger (hereinafter "Petitioner"), seeks a continuance of the hearing pending a diligent search for any last will and testament of the decedent, and

opposes the grant of Independent Administration of Estates Act authority to Petitioner. This objection is based on the grounds set forth below, the records and files in this proceeding, and any evidence that may be presented at the hearing.

INTRODUCTION

1. This proceeding involves the estate of decedent Thomas Earl Van Horn, who passed away on March 22, 2026, in Los Angeles County, California. His last known address was 149 S Avenue 54, Apt. 13, Los Angeles, CA 90042. Petitioner Teresa Weissenberger, decedent's sister and a non-resident of California, filed the instant Petition for Probate and seeks appointment as administrator of the estate with full Independent Administration of Estates Act authority over an estate consisting entirely of real property valued at $500,000.

2. Objector Graham B. Lascsak is an adult nephew of the decedent and the son of Debra Gayle Lascsak, decedent's sister who predeceased him on January 2, 2024. Objector has a direct financial interest in this estate as a potential heir under California's laws of intestate succession, and as a potential beneficiary under any will the decedent may have left.

3. Before this Court can properly proceed with any appointment, three threshold matters must be addressed. First, credible information exists that the decedent did not die intestate, as the petition claims. The decedent reportedly worked with an attorney to prepare a last will and testament, and expressed specific wishes regarding who should administer his estate. That will has not been located, but its likely existence means the petition's foundational claim of intestacy is premature and potentially erroneous. Second, even if the Court were to find the estate intestate, Petitioner is a non-resident of California, which subjects her appointment to heightened scrutiny. Third, granting sweeping Independent Administration authority to Petitioner before the will question is

resolved would be premature and prejudicial to all interested heirs.

STATEMENT OF FACTS

4. Thomas Earl Van Horn died on March 22, 2026, in Los Angeles County, California. He was survived by his sister Teresa Weissenberger (Petitioner), and by the children of his predeceased siblings, including Objector and his brothers Justin A. Lascsak and Levi T. Lascsak (children of predeceased sister Debra Gayle Lascsak), and David Bradford Van Horn Jr., Michael Van Horn, and Vetha Pierce (children of predeceased brother David Bradford Van Horn Sr., who died in September 2003).

5. Petitioner filed the instant Petition for Probate on or about April 16, 2026, as reflected by the date of service in the court record. Petitioner checked the box indicating the decedent died intestate (without a will) and seeks appointment as administrator with full Independent Administration of Estates Act authority.

6. Objector has information and belief that Thomas Earl Van Horn retained an attorney during his lifetime and that a last will and testament was drafted and executed prior to his death. Specifically, the identity of the attorney who would have prepared the will is known and available. Decedent reportedly communicated specific wishes about who should serve as executor of his estate, including asking Michael Van Horn to serve in that capacity. These facts are inconsistent with the petition's representation that the decedent died intestate.

7. Petitioner Teresa Weissenberger resides at 1809 West Blue Avenue, Phoenix, AZ 85023. She is not a resident of the State of California.

8. The estate consists entirely of real property, valued at $500,000, with no personal

property and no annual gross income identified in the petition. No encumbrances have been identified on the real property.

9. Objector received notice of this proceeding and timely appears to protect his interests and those of the estate as a whole.

LEGAL STANDARD

10. Under California Probate Code section 8000, any person interested in the estate may petition for administration. Under section 1043, any interested person may appear and object at a probate hearing. An objector who appears at the hearing and states objections, or files written objections before the hearing, is entitled to be heard. (Prob. Code, sec. 1043.)

11. The court has broad discretion in determining whether to appoint a proposed personal representative and may take into account all relevant circumstances, including the interests and wishes of the heirs, the qualifications of the petitioner, and any other factor bearing on the welfare of the estate. (Prob. Code, sec. 8402.)

12. When there is reason to believe a decedent may have left a will, the court should not proceed on an intestate basis until a diligent search for the will has been conducted. California Probate Code section 8200 requires that any person who has custody of a decedent's will must deliver it to the superior court clerk of the county in which the estate may be administered promptly after learning of the decedent's death. The failure to produce a will is not conclusive evidence that no will exists.

13. California Probate Code section 6124 provides a rebuttable presumption that if a will cannot be found after the testator's death, it is presumed to have been revoked, but this

presumption applies only when the will's existence is established and the original cannot be located. It does not apply where, as here, the will's existence has not yet been diligently investigated or confirmed.

ARGUMENT

A. THE PETITION IS PREMATURE BECAUSE THE DECEDENT MAY HAVE DIED TESTATE, AND THE COURT SHOULD CONTINUE THE HEARING TO PERMIT A DILIGENT WILL SEARCH.

14. The petition's foundational premise is that Thomas Earl Van Horn died intestate. That premise is contested. Objector has information and belief that the decedent retained a licensed California attorney and executed a last will and testament prior to his death. The identity of the drafting attorney is known. If confirmed, this will would control the disposition of the estate and the selection of the executor, rendering the instant petition for intestate administration entirely moot.

15. Proceeding to appoint an administrator under the intestate statutes before a diligent search for the will has been completed would be fundamentally premature and contrary to the decedent's expressed wishes. California courts have consistently recognized that honoring the testamentary intent of a decedent is a paramount purpose of the probate system. Appointing an administrator over an estate that may be governed by a will substitutes the court's and petitioner's preferences for the decedent's own documented choices.

16. Objector respectfully requests that this Court continue the May 22, 2026 hearing for a period of at least 60 to 90 days to permit (a) contact with the attorney believed to have drafted the will, (b) a search of decedent's residence and personal papers for the original

will, (c) a search of any safe deposit boxes or other secure storage used by the decedent, and (d) an opportunity for all interested parties to produce any information in their possession regarding the existence or location of the will.

17. This continuance serves the interests of justice, the decedent's estate, and all potential heirs and beneficiaries. It imposes minimal burden on the Court and the parties, while potentially preserving the full integrity of the decedent's estate plan.

B. EVEN IF THE ESTATE IS INTESTATE, PETITIONER'S NON-RESIDENCY IS A MATERIAL FACTOR THAT WEIGHS AGAINST HER APPOINTMENT.

18. California Probate Code section 8402 sets forth the qualifications for appointment as personal representative. Among the factors the court considers is whether the proposed administrator is a California resident. While non-residency does not automatically disqualify a petitioner, it is a material factor, particularly when the estate consists entirely of real property located in California and when California-resident interested parties exist.

19. Petitioner Teresa Weissenberger is a resident of Phoenix, Arizona. She is not a California resident. Administering a California real property estate from out of state presents practical challenges, including the need to manage, maintain, and potentially sell real property located in Los Angeles County. Non-resident administrators are more difficult for the court and interested parties to monitor and hold accountable.

20. Several California-resident parties exist who may be better situated to serve as administrator if the estate is ultimately determined to be intestate. Michael Van Horn, for example, is identified on the service list as residing in Downey, California. The existence of available California-resident interested parties further weighs against defaulting to a non-resident petitioner at this stage.

21. Objector does not concede that an intestate administration is appropriate. However, in the event the Court determines that the estate is intestate and an administrator must be appointed, Objector respectfully asks the Court to consider all qualified parties before granting the appointment to a non-resident petitioner, consistent with the broad discretion afforded under California Probate Code section 8402.

C. INDEPENDENT ADMINISTRATION AUTHORITY SHOULD NOT BE GRANTED UNTIL THE WILL QUESTION IS RESOLVED AND ALL INTERESTED PARTIES HAVE BEEN HEARD.

22. Petitioner seeks authority to administer the estate under the Independent Administration of Estates Act (IAEA), California Probate Code sections 10400 et seq. IAEA authority allows a personal representative to take many significant actions, including selling, exchanging, or encumbering estate property, without prior court approval. When the underlying question of whether a will exists remains unresolved, granting such broad authority is premature and potentially irreversible.

23. If Petitioner were appointed with full IAEA authority and subsequently sold or encumbered the estate's sole asset (the real property valued at $500,000) before a will was located and examined, the damage to the estate and to the beneficiaries named in that will could be substantial and difficult or impossible to remedy. Court oversight of any proposed transactions is the appropriate safeguard at this stage.

24. Even if the Court were to appoint Petitioner on an interim basis pending the will search, Objector respectfully requests that any such appointment be made without IAEA authority, and that any proposed action with respect to the real property be subject to prior court approval and notice to all interested parties. This limited appointment would

protect all parties' interests while allowing estate administration to proceed in a measured and supervised manner.

25. The $500,000 bond referenced in the petition provides some financial protection, but a bond is not a substitute for court oversight. A bond compensates after harm has already occurred; court supervision prevents harm from occurring in the first place. Given the size of the estate, the contested nature of the intestacy claim, and the non-residency of the proposed administrator, court supervision of all material transactions is the appropriate standard at this stage.

D. THE COURT SHOULD REQUIRE A FULL ACCOUNTING OF ALL INTERESTED PARTIES AND POTENTIAL HEIRS BEFORE PROCEEDING.

26. The petition and its attachments identify numerous interested parties, including surviving siblings, children of predeceased siblings, and the surviving spouse of a predeceased sister. The interests of all these parties must be accounted for before any administrator is appointed and any authority is granted.

27. In particular, Thomas A. Lascsak, the surviving spouse of predeceased sister Debra Gayle Lascsak, is identified in the court record with an address of 1075 W Oak Street, Stephenville, TX 76401. While a surviving spouse of a predeceased sibling does not have a statutory heir interest in the estate under California intestate succession law, Thomas A. Lascsak may have information relevant to the existence and location of a will, and his cooperation in the will search process would be valuable.

28. Additionally, Objector respectfully requests that the court ensure all interested parties have received proper notice of this objection and have an opportunity to be heard before any final determination is made regarding the administration of the estate.

CONCLUSION

29. For the foregoing reasons, Objector Graham B. Lascsak respectfully requests that this Court:

(a) Continue the May 22, 2026 hearing for a minimum of 60 to 90 days to allow for a diligent search for the last will and testament of Thomas Earl Van Horn;

(b) Order that all parties with knowledge of the existence or location of any will, codicil, estate planning document, or attorney-client relationship maintained by the decedent disclose that information to the Court and to all interested parties within 30 days;

(c) Deny or defer the appointment of Teresa Weissenberger as personal representative pending resolution of the will question;

(d) In the alternative, if the Court determines that an interim administrator must be appointed, deny Petitioner's request for Independent Administration of Estates Act authority and require prior court approval for any transaction affecting the estate's real property;

(e) Set a further hearing at which all interested parties may appear and be heard regarding both the will question and the appointment of a personal representative; and

(f) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Graham B. Lascsak, father

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Interested Party

Date: May 17, 2026

CERTIFICATE OF SERVICE

I, Graham B. Lascsak, hereby certify that on May 17, 2026, I caused a true and correct copy of the foregoing Objection to Petition for Appointment of Administrator; Request for Continuance Pending Will Search; and Opposition to Grant of Independent Administration Authority to be served upon the following parties by United States mail, first class postage prepaid, addressed as follows:

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/s/ Graham B. Lascsak, father

_____

Graham B. Lascsak

LASCSAK, FAM.

AI DISCLOSURE

Artificial intelligence was used in the preparation of this document. All factual statements and legal citations have been reviewed by the filer.